

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 7/7/2004

ITEM No. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Hayden Lofts **9-BA-2004**

REQUEST Request to approve a variance from Article V. Section 5.1004.E.1 regarding setback requirements, Article V. Section 5.1004C.2 regarding building height requirements and from Article X, Section 10.602.A.2. regarding the required landscape buffer on a parcel located at 2322 N Hayden Rd. with Multi-Family Residential (R-5) zoning

OWNER Generals Partners #1
480-991-2266

APPLICANT CONTACT Dave Klein
Hayden Lofts
602-434-7576

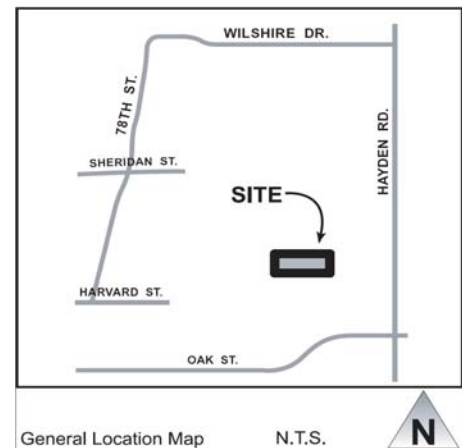
CODE ENFORCEMENT
ACTIVITY None

PUBLIC COMMENT The applicant has notified all property owners within 300 ft. of the proposed project. Staff sent notices to all property owners within 300 ft. and to the Continental Villas East, Coronado Park Estates, Cortese Condominium, El Cuadro Improvement, Hayden Villas, Scottsdale Villas, and Villa Coronado homeowners associations as well as to the Scottsdale Coalition.

Staff received one phone call from the public asking general questions regarding the project.

ZONING The site is zoned Multi-Family Residential (R-5) District.

DEVELOPMENT
CONTEXT/HISTORY The site is located northwest of the northwest corner of Oak Street and Hayden Road. There are existing churches on the north and south property lines of the project both zoned Single-Family Residential (R1-7). Directly west of the site is a Townhouse Residential (R-4) District consisting of townhouses. The vacant parcel east of the site is zoned Multi-Family Residential (R-5). That parcel is currently owned by the Salt River Project (SRP) and contains a portion of their electrical substation. Access to the subject is through an access easement from the SRP parcel to Hayden Road. In 1971, the subject parcel and SRP parcel was one parcel. At that time case 42-ZN-71 rezoned the parcel from R-4 to R-5 to allow a plant nursery with



a conditional use permit. In 1989, the owner at that time split the parcel into two parcels and sold the eastern portion to SRP to accommodate the SRP substation expansion. The subject parcel is still vacant.

ORDINANCE REQUIREMENTS

The Ordinance requirements are described as follows:

- **ARTICLE V, SECTION 5.1004.C.2.** Building height shall not exceed one (1) story within fifty (50) feet of any R-1, R-2, R-3, R-4, R-4R, or M-H district boundary line.
- **ARTICLE V, SECTION 5.1004.E.1.** Whenever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R, or M-H district or an alley abutting any of those districts, a yard not less than fifteen (15) feet shall be maintained.
- **ARTICLE X, SECTION 10.602.A.2.** For all developments within the R-5 multi-family residential district a fifteen (15) foot wide landscape buffer shall be maintained wherever a R-5 development abuts a R-1, R-2, R-3, R-4, R-4R, or M-H district or an alley abutting any of those districts.

DISCUSSION

The applicant is proposing to construct a townhouse building, to a height of 36 ft., containing 14 units on the subject .69-acre site. The existing lot is a narrow 100 ft. wide and 303 ft. deep parcel with no frontage to a street. The site will have access to Hayden Road from a 30 ft. wide access easement through the adjacent lot to the east.

The north and south property lines of the site abut Single-Family Residential (R1-7) districts that both have existing churches. The two R1-7 zoning districts to the south and north initiate the requirements for a 15 ft. yard requirement from this Multi-Family (R-5) district. The applicant is seeking a 6 ft. yard (to the overhead balcony) on only the north property line in-lieu of the 15 ft. yard. The two R1-7 zoning districts to the north and south also require a 15ft. wide landscape buffer from this Multi-Family (R-5) site. The applicant is seeking relief from the entire 15 ft. landscape buffer on the north and south property lines. The last request from the applicant is to build the structure to a maximum height of 36 ft. that is two stories above the allowed building height of one (1) story within fifty (50) feet of any R-1 district boundary line. Finally, the current use of the R1-7 properties to the north and south are mainly non-residential in nature that contains churches. The church property to the north is currently vacant specifically where it abuts this property. To the south, the church property has its access driveway and parking lot abutting the subject site.

FINDINGS

1. **That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or**

surroundings of the property at the above address:

The applicant's response to this question states, the property is one of the few remaining R-5 sites in south Scottsdale and the configuration of the lot requires a variance from the existing setbacks and landscape buffers.

Staff analysis concludes that a special circumstance relates to the small configuration of the lot and the surrounding land uses of the site. The principal land use of the two single family districts, north and south of the subject, exist church properties with no single family structures. Abutting the west property line of the subject site exist 30 ft. tall townhomes. On the properties north and south of the subject site, there are churches that have approximate heights equal to two story structures.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

In order to assure the economic feasibility of this development project on this site, the current building height and setback requirements must be altered to accommodate a project that is desirable in the market place. Denial of this variance would substantially diminish the owner's property development rights.

Staff analysis concludes that a small multi-family residential (R-5) zoned parcel located between two abutting single-family residential (R1-7) properties with church uses creates the special circumstance of this application. Requiring conformance to these requirements would substantially constrain the ability to develop the site. The three requested variances would allow the applicant to develop the site similar to other R-5 district properties with minimal impacts to single family districts.

3. That special circumstances were not created by the owner or applicant:

It is understood that the present site configuration was subdivided before any development proposal was conceptualized by the applicant; therefore no special circumstances exist due to the applicant.

The parcel size was determined with a lot split in 1989. The applicant did not create the special circumstance that the two single family districts, in which the variances are requested, developed out as church uses and not single-family homes.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

Due to the site plan (including building placement) and its relative isolation from the structures located on the adjacent parcels, it is believed that the authorization of these variances will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Staff analysis concludes that the project would be materially detrimental to persons residing in adjacent property if they had developed out as single family homes.

STAFF CONTACT

Bill Verschuren, Senior Planner
Report Author
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E-mail: bverschuren@ScottsdaleAZ.gov

Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Narrative
2. Background Information
3. Justification
4. Context Aerial
5. Aerial Close-up
6. Zoning Map
7. Proposed Site Plan



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Project Description / Variance Details

Case Numbers: 37 - PA - 2004 / - BA - _____

Project Name: HAYDEN LOFTS

Location: N & NWC HAYDEN & OAK

Property Details:

☐ Single-Family Residential ☒ Multi-Family Residential ☐ Commercial ☐ Industrial

Use: TOWNHOMES

Zoning: R5

Number of Buildings: 1

Height: 36' MAX

Setbacks: N - _____ S - _____ E - _____ W - _____

Description of Request:

Section of the Zoning Ordinance to be varied: MAXIMUM BLDG HEIGHT (R5)

Project Narrative: HAYDEN LOFTS IS A NEW HIGH-QUALITY MULTIFAMILY RESIDENTIAL INFILL PROJECT DESIGNED FOR THE PRESENTLY VACANT .69 ACRE PARCEL LOCATED AT 2322 N. HAYDEN RD. IN SOUTH SCOTTSDALE. THE PROJECT WILL LOOK TO INTEGRATE INTO THE SURROUNDING COMMUNITY IN A POSITIVE FASHION AND MINIMIZE ITS IMPACT ON ADJACENT PARCELS. DUE TO THE UNIQUE CONFIGURATION OF THE SITE AND ITS SMALL SCALE, IT IS NECESSARY FOR THE DEVELOPER TO REQUEST A BUILDING HEIGHT VARIANCE IN ORDER TO CONSTRUCT A PROJECT THAT IS ECONOMICALLY FEASIBLE AND ARCHITECTURALLY DESIRABLE.

Scottsdale Ordinance Requires: 20' MAX BLDG HEIGHT IN R5 DISTRICTS ADJACENT TO R4 & R1-7 DISTRICTS

Request: FOR THE ORDINANCE REQUIREMENT TO BE INCREASED 16' FEET

Amount of Variance: SIXTEEN FEET (MAX)

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

ATTACHMENT #1

Background Information
For Board of Adjustment



DATE _____
APPROVED AS PRESENTED _____
APPROVED W/STIP _____
DENIED _____

CASE # 9-BA-2004
PROJECT # 37-PA-2004
CONTINUED TO _____
HEARING DATE _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION

VARIANCE REQUESTED AT (STREET ADDRESS WHERE VARIANCE IS REQUESTED)

2318 N. Hayden Rd. 85251

TO BE COMPLETED BY YOUR COORDINATOR

ARTICLE AND SECTIONS OF ZONING ORDINANCE TO BE VARIED 5.1004.E.1

SCOTTSDALE ZONING REQUIRES 15' Setback adjacent ~~at~~ abutting an R-1,
R-2, R-3, R-4, R-4R, or M-H district, 15' wide landscape
buffer wherever R-5 adjoins an R-1, R-2, R-3, R-4, R-4R, or M-H district, and
building height shall not exceed 1 story within SOFT. of any R-1 district.

APPLICANT'S REQUEST To reduce the setback on the ~~south~~
North property line from 15' to 6', to eliminate
the 15' wide landscape buffer on the north and south property lines
and to build up to 36ft. instead of 1 story.

AMOUNT OF VARIANCE 9' or 60% reduction in setback
0' or 100% reduction in landscape buffer
from 1 story to 36' ft in height.

PROCEDURES OF THE BOARD OF ADJUSTMENT

There will be three notices of hearing: One on the property, two within 300 feet, and a notice will be published in the daily newspaper, at least 15 days before the hearing, and a notice will be mailed to adjacent property owners, within 300', at least 15 days before the hearing.

The Chairman shall determine what parties are available to represent the applicant, and they shall present the case. The staff will be heard, then those in favor or in opposition. After arguments have been heard, the party representing the owner will have an opportunity for rebuttal after which the Chairman may declare the questioning and argument closed. A vote will then be taken on the matter of approval or denial.

No variance shall be granted resulting in any changes in the uses permitted in any zoning classification or which constitute special privilege.

The application and all maps, plans and other accompanying dates and material shall be available for public inspection during office hours at the office of the building official.

A notice of hearing will be mailed to the applicant 6 days before the hearing.

For information regarding applications please call: 994-7080.

ATTACHMENT #2

9-BA-2004
5/4/2004



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

DUE TO THE SITE'S NARROW CONFIGURATION AND SMALL SCALE, THE SITE IS CERTAINLY "ONE OF A KIND" IN COMPARISON TO OTHER R5 ZONED PROPERTIES IN SCOTTSDALE THAT ARE UNDEVELOPED PRESENTLY.

2. Special circumstances were not created by the owner or applicant:

IT IS EXPRESSLY UNDERSTOOD THAT THE PRESENT SITE CONFIGURATION WAS SUBDIVIDED BEFORE ANY DEVELOPMENT PROPOSAL WAS CONCEPTUALIZED BY THE APPLICANT OR PROPERTY OWNER, THEREFORE NO SPECIAL CIRCUMSTANCES EXIST.

3. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

IN ORDER TO ASSURE THE ECONOMIC FEASIBILITY OF THIS (OR ESSENTIALLY ANY) DEVELOPMENT PROJECT ON THIS SITE, THE CURRENT BUILDING HEIGHT REQUISITE MUST BE ALTERED TO ACCOMMODATE A PROJECT THAT HAS DESIRABILITY IN THE MARKETPLACE. DENIAL OF THIS VARIANCE WOULD SUBSTANTIALLY DIMINISH THE OWNER'S PROPERTY DEVELOPMENT RIGHTS.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

DUE TO THE BUILDING'S DESIGN AND ITS RELATIVE ISOLATION FROM STRUCTURES LOCATED ON ADJACENT PARCELS, IT IS BELIEVED THAT AUTHORIZATION OF THE VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO ANY RELEVANT PARTY.

ATTACHMENT #3

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Hayden Lofts

9-BA-2004

ATTACHMENT #4



E SHERIDAN ST

SITE

N HAYDEN RD

N 80TH PL

N 87TH PL

Q.S.
14-46

E OAK ST

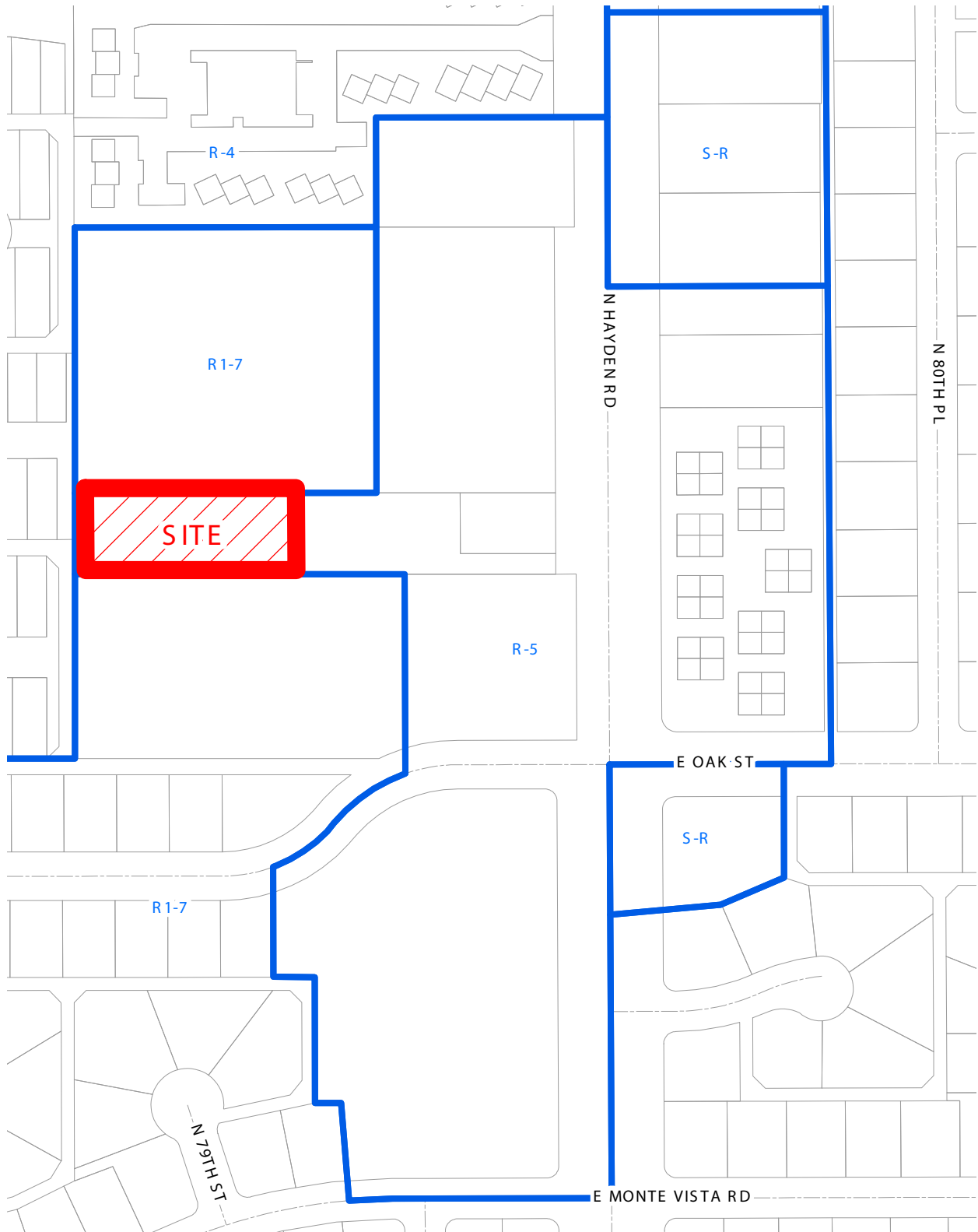
G.I.S. ORTHOPHOTO 2002



Hayden Lofts

9-BA-2004

ATTACHMENT #5



9-B A-2004

ATTACHMENT #6



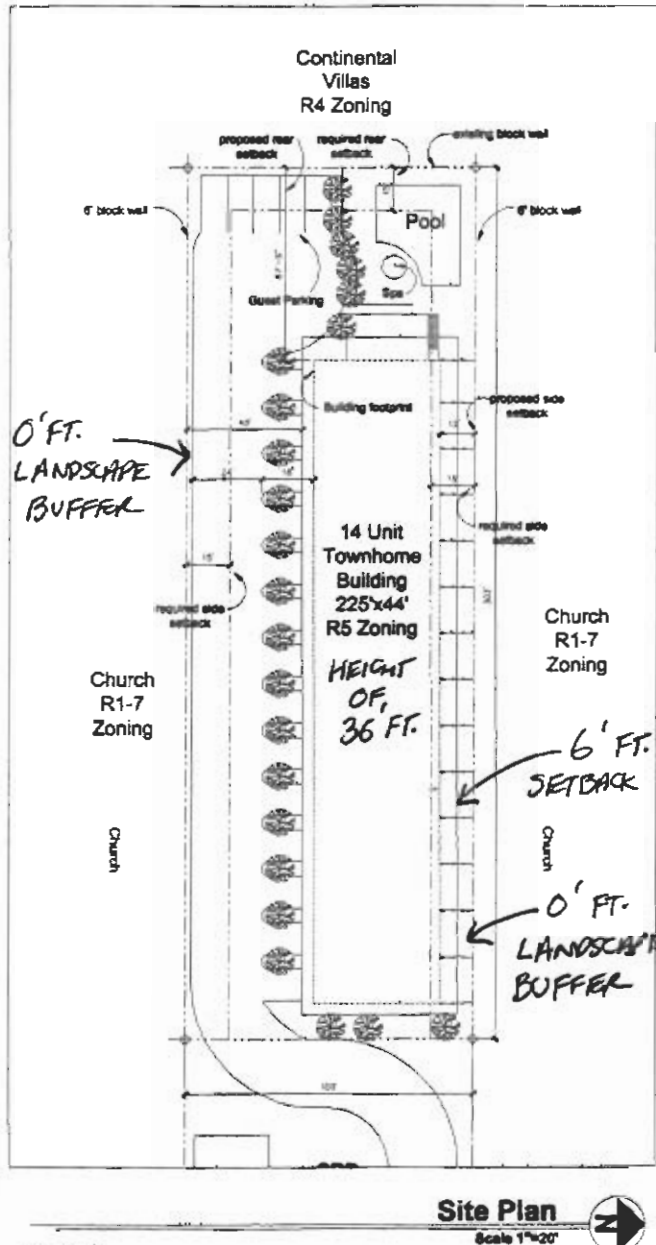
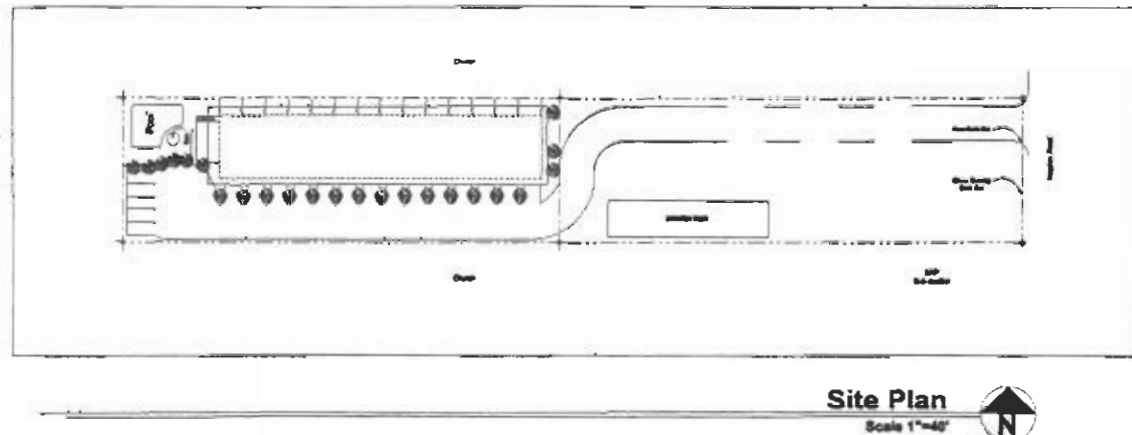
Hayden Lofts

2322 N. Hayden Road.
SCOTTSDALE ARIZONA

Project Data
Address: 2322 N. Hayden Rd. Scottsdale, AZ 85251
Zoning: R5
Tax Parcel Number: 131-23-005A
Total Land Area: 30,300 sf (.69 acres)

ORDINANCE REQUIREMENTS

1. 15' SIDE SETBACKS NEXT TO R1-7.
2. 15' LANDSCAPE BUFFERS ON ALL SIDES NEXT TO R1-7.
3. MAX. HEIGHT OF 1 STORY NEXT TO R1-7



MOB
DESIGN & PLANNING
10111 N. Hayden Rd.
Scottsdale, Arizona 85251
480-345-1111

Hayden Lofts
10111 N. Hayden Rd.
Scottsdale, Arizona

SWITCH KEY
SHEET PLAN
DESIGN BY: JH
CHECKED BY: JH
DATE: 4/20/04
REVISION: 1004
00-002

CP

ATTACHMENT #7

9-BA-2004
5/4/2004